

1627
RECEIVED

JUL 02 2002

THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

Applicants: Kozikowski, A.P. et al.	Atty. Docket No.: <u>ZAA-012.01</u>
Serial No.: 09/671,104	Examiner: Bhatti, T.H.
Filing Date: 27 September 2000	
Title: <i>Novel Tropane Analogs</i>	Art Unit: 1627

Assistant Commissioner for Patents
Washington, DC 20231

9/Election
Cm
6-20-02

Certificate of Mailing

I hereby certify that this "Response to Restriction Requirement" is being deposited with the U. S. Postal Service as First Class Mail with sufficient postage on the date set forth below in an envelope addressed to:

Assistant Commissioner for Patents, Washington, D.C. 20231.

June 20, 2002
Date of Signature and Mail Deposit

By: Daniel Murray
Daniel Murray

Bet
7-12-02

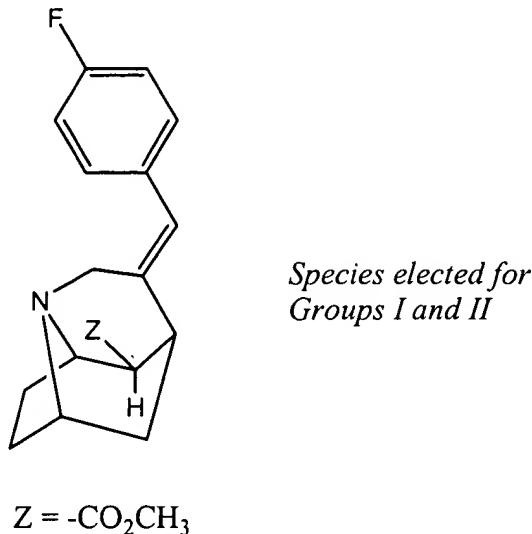
Response to Restriction Requirement

Dear Examiner Bhatti:

In response to the Restriction Requirement in the above-identified application, mailed May 21, 2002, the Applicants respectfully elect **Group I**, claims 1-10 and 27-36. However, the Applicants respectfully assert that simultaneous examination of Groups I and II would not place an undue burden on the Examiner because the Groups are related as product and process of use. *See* MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions."). Therefore, the Applicants respectfully request that the Examiner modify the instant Restriction Requirement, examining Groups I and II in the instant application.

The Applicants respectfully elect the composition species depicted below, which falls within the scope of both Formula I and Formula II. The following definitions of R1-R14, A and n correspond to the Species elected for Formula I: A is a double bond; n is 2; the first instance of R1 is 4-fluorophenyl; the second instance of R1 is H; R2-R13 inclusive are H; and R14 is -CO₂CH₃. The following definitions of R1-R14 correspond to

the Species elected for Formula II: R1 is 4-fluorophenyl; R2-R13 inclusive are H; and R14 is $-\text{CO}_2\text{CH}_3$. *Claims 1, 2, 3, 4, 7, 8, 9, 10, 27, 28, 29, 30, 33, 34, 35, and 36 read on the elected Species.*



Further, should the Examiner find persuasive the Applicants request for simultaneous examination of Groups I and II, the Applicants respectfully request that the same species be used for search purposes with respect to Group II.

Of course, the elections of Species made herein are made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. *See 37 CFR 1.141.*

Finally, the Applicants believe that no fees are due in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge to our Deposit Account, **No. 06-1448**, any fees due in connection with the filing of this Response.

Respectfully submitted,
Foley Hoag LLP

By: *Dana Gordon*

Dana M. Gordon, PhD

Reg. No. 44,719

Attorney for Applicants

155 Seaport Boulevard
Boston, MA 02210
Telephone: (617) 832-1000
Telecopier: (617) 832-7000

Date: 6/20/02